

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION

DIRECTV

PLAINTIFF

VS.

CIVIL ACTION NO.2:03CV317-JAD

DONALD WRIGHT

DEFENDANT

MEMORANDUM OPINION GRANTING SUMMARY JUDGMENT

The court has considered the plaintiff's motion for summary judgment(Doc 34-1) and finds that the motion is well taken and should be granted. Plaintiff served written discovery including Requests for Admissions upon the defendant. When he failed to respond in accordance with the Federal Rules of Civil Procedure, all matters on which admissions were requested were deemed admitted. Therefore it is conclusively established that the defendant purchased thirteen devices for the purpose of illegally intercepting the plaintiff's satellite signal. Defendant has admitted intentionally intercepting the satellite transmissions. Pursuant to 47 U.S.C. § 97-25-54(3), plaintiff is entitled to and the court finds should be awarded statutory damages. The court has discretion to award damages between \$1,000.00 and the maximum amount of \$10,000.00 per violation or between \$13,000.00 and \$130,000.00. The court finds that the plaintiff should be awarded \$5,000.00 per violation or \$65,000.00 total.

The plaintiff is further entitled to an award of their reasonable legal fees and costs. Plaintiff shall submit its proof regarding attorney's fees and costs, serving the same upon the defendant at his last known address. Defendant shall have ten days after service in which to file any objection regarding the reasonableness of claimed fees and expenses. The motion for summary judgment will be granted.

A judgment in accordance with this opinion will be separately entered.

This the 25th day of April, 2005.

/s/ JERRY A. DAVIS
UNITED STATES MAGISTRATE JUDGE